

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2284

CATHERINE GIERBOLINI,

Plaintiff - Appellant,

v.

SCIENCE APPLICATIONS INTERNATIONAL CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Leonie M. Brinkema,
District Judge. (1:12-cv-01459-LMB-IDD)

Submitted: December 19, 2013

Decided: December 23, 2013

Before SHEDD, DAVIS, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Catherine Gierbolini, Appellant Pro Se. Edward Lee Isler, Lori
Hunt Turner, ISLER, DARE, RAY, RADCLIFFE & CONNOLLY, PC, Vienna,
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Catherine Gierbolini appeals the district court's order granting summary judgment for Science Applications International Corporation ("Science Applications") as to Gierbolini's defamation claim. We have reviewed the record and find no reversible error.* Contrary to Gierbolini's assertions on appeal, Science Applications' alleged refusal to respond to requests for employment verification cannot form the basis of an actionable defamation claim. See, e.g., Tharpe v. Saunders, 737 S.E.2d 890, 892 (Va. 2013) ("The elements of defamation are (1) publication of (2) an actionable statement with (3) the requisite intent." (internal quotation marks omitted)); Hyland v. Raytheon Tech. Servs. Co., 670 S.E.2d 746, 750 (Va. 2009) ("Generally, under our common law, a private individual asserting a claim of defamation first must show that a defendant has published a false factual statement that concerns and harms the plaintiff or the plaintiff's reputation."). Accordingly, we affirm substantially for the reasons stated by the district court. Gierbolini v. Sci. Applications Int'l Corp., No. 1:12-cv-01459-LMB-IDD (E.D. Va. filed Oct. 8, 2013 & entered

* Many of the arguments addressed in Gierbolini's informal brief were not fairly raised in the district court. We decline to address these issues in the first instance. See United States v. Edwards, 666 F.3d 877, 887 (4th Cir. 2011) (declining to address arguments raised for first time on appeal).

Oct. 9, 2013). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED